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6 UNITED STATES DISTRICT COURT  
7 WESTERN DISTRICT OF WASHINGTON  
AT SEATTLE

8 ERICK LADAL SIMS,

9 Plaintiff,

10 v.

11 VICTOR JOHNSTON, et al.,

12 Defendants.  
13

Case No. C17-0758 RSM

ORDER OF DISMISSAL

14 Having reviewed the Report and Recommendation of the Honorable Mary Alice Theiler,  
15 United States Magistrate Judge, any objections or responses to that, and the remaining record, the  
16 Court finds and ORDERS:

- 17 (1) The Court ADOPTS the Report and Recommendation;  
18 (2) Plaintiff's complaint and this action are DISMISSED with prejudice for failure to  
19 state a claim upon which relief may be granted;  
20 (3) This dismissal counts as a STRIKE for purposes of 28 U.S.C. § 1915(g);  
21 (4) Plaintiff's motion to amend (Dkt. 7) is DENIED;  
22 (5) Plaintiff's motion to appoint counsel (Dkt. 8) is DENIED as moot; and  
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1 (6) The Clerk is directed to send copies of this Order to plaintiff and to Judge Theiler.

2 Dated this 7th day of November 2017.

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4 RICARDO S. MARTINEZ  
5 CHIEF UNITED STATES DISTRICT JUDGE  
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